Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)
	)
PAGING COALITION	)
	)
Request for Declaratory Ruling that	)
Termination by Verizon of Type 3A	)
Interconnection Service Would be Unjust	)
and Unreasonable, in Violation of Section 201	)
of the Commissions Act, 47 U.S.C. ' 201,	)
and Otherwise Unlawful	)

To: The Commission, *en banc*

COMMENTS IN SUPPORT OF DECLARATORY RULING

Thomas Gutierrez
Lukas, Nace, Gutierrez & Sachs, Chtd.
1111 Nineteenth Street, N.W., Suite 1200
Washington, D.C. 20554
(202) 828-9470

January 18, 2001

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JSM TelePage, Inc. (AJSM@), by counsel and pursuant to the Commission's Public Notice of December 19, 2001 (DA 01-2942) hereby submits its comments in support of the Petition for Declaratory Ruling ("Petition") submitted by the Paging Coalition (the "Coalition" or "Petitioner"). For the reasons set forth below, JSM proffers its support for the Petition.

I. Introductory Statement

At issue here is whether various telecommunications carriers, including paging carriers, such as JSM, have the right to interconnect with an Incumbent Local Exchange Carriers (AILEC@), Verizon. There is nothing new or complicated about this issue. The Commission successfully resolved the fundamental issue at hand nearly 20 years ago. Notwithstanding this, or the clear Congressional intent since that date to expand interconnection rights rather than to contract them in anyway, paging carriers such as JSM continue to be faced with artificial and impermissible restrictions on their interconnection rights. So long as those impediments are allowed to remain in place, either by virtue of the Commission not enforcing its previously mandated arrangements,

should such issues arise, or confirming them upon occasions such as this, the public will suffer. Although technologically it is not complex to provide wide-area service, and such service is what customers clearly want, termination notices such as that presented by Verizon cause telecommunication services to be provided only in a needlessly costly and practically inefficient manner.

II. Discussion

The service at issue, identified as "Type 3A" in the Petition, enables the public to make a local (i.e., non-toll) call from anywhere within a LATA served by the carrier, to any other place in the LATA. The efficiencies and conveniences associated with such service are not in reasonable dispute. And the only proffered basis for terminating such service, as Verizon has announced it will do, is the "difficulty in... billing and administration...once wireless Local Number Portability goes into effect." (Petition, at i.) As the Petitioner properly explained to the Commission, in the case of paging providers the local number portability issue is irrelevant. More importantly, the cutoff of Type 3A is absolutely contrary to established Commission interconnection policy. That policy expressly provides that CMRS providers are entitled to have the type of interconnection that they desire. *See, e.g.,* 47 C.F.R. ' 20.11(a) which provides in pertinent part that a LEC "must provide the type of interconnection reasonably requested by a mobile service licensee or carrier...unless such interconnection is not technically feasible or economically reasonable." Here, the type of interconnection "being requested" will no longer be provided. Moreover, there can be no good faith argument about the technical feasibility of this form of interconnection, which is already being provided. In addition, any argument regarding economic reasonableness fails for the same reason.

In addition to the above, and as Petitioner properly noted, the Telecommunications Act of 1996 provides without qualification that ILECs must provide interconnection at any technically feasible point in their network. 47 USC '251(c)(2); 47 USC '251(c)(3). Because no genuine question exists with respect to the Commission's authority to rule on this issue, or on the inapplicability of local number portability, JSM will not burden the Commission with any discussion on either of these issues. Rather, focus will be placed on the public policy, and associated pronouncements, associated with permitting paging entities to demand forms of interconnection that provide wide-area coverage to the public and to their customers. A decade and a half ago, the Commission formally confirmed that its requirement that reasonable interconnection be provided necessitates that a telephone company provide the type of interconnection requested by a mobile licensee. *In the Matter of Telephone Number Portability (First Report and Order and Further Notice of Rulemaking)*, 11 FCC Rcd. 8352, 8433 (1996). *See, also, In the Matter of the Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services*, 63 RR 2d, 7, 18 (1987). The Commission confirmed this later decision two years later.

Despite LEC arguments to the contrary, nothing has transpired to alter or in any way undermine these pronouncements. Indeed, to the contrary, in 1994 the Commission expanded its interconnection policy to "require LECs to provide reasonable and fair interconnection for all commercial mobile radio services," which the Commission properly interpreted to mean that "it is in the public interest to require LECs to provide the type of interconnection reasonably requested by all CMRS providers." *CMRS Second Report and Order*, 9 FCC Rcd, 1411, 1497-1498.

III. Conclusion

The negative effects of a cutoff of wide-area service are clear: customers would be prevented from obtaining efficient service that they desire; either customers and /or paging carries would incur additional costs; and the public interest benefits that otherwise would be available from wide-area service offerings, which were the underpinnings of the Commission's policy determinations cited above, would not be available. Equally important, there is no counter-balancing public interest benefit to permitting prohibition of a wide-area service, as the Verizon termination appears intended to do.

For all of the above reasons, JSM urges the Commission to grant Petitioner's Petition for Declaratory Ruling and direct Verizon and other similarly situated LECs to provide reasonable interconnection as requested by Petitioner.

Respectfully submitted,

JSM TELEPAGE, INC.

By: _____
Thomas Gutierrez

Its Attorney

Lukas, Nace, Gutierrez & Sachs, Chtd.
1111 Nineteenth Street, N.W., Suite 1200
Washington, D.C. 20554
(202) 828-9470

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CERTIFICATE OF SERVICE

I, Steven Anderson McCord, a secretary in the law firm of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 18th day of January, 2002, sent by first class U.S. mail a copy of the foregoing "COMMENTS IN SUPPORT OF DECLARATORY RULING" to the following:

Kenneth E. Hardman, Esq.
MOIR & HARDMAN
1015 - 18th Street, N.W., Suite 800
Washington, D.C. 20036-5204

_____
Steven Anderson McCord